In the High Court of Punjab and Haryana at Chandigarh

…

Date of decision:17.11. 2006

Kulbir Singh ..Petitioner

Versus

State of Punjab and others Respondents

Coram: Hon'ble Mr.Justice J.S.Khehar
Hon'ble Mr.Justice S.D.Anand

Present: Mr.Vipin Mahajan,Advocate
for the petitioner.

J.S.Khehar,J.(Oral)

The petitioner claims to have been originally inducted in the employment of Punjab State Handloom and Textile Development Corporation Limited (hereinafter referred to as the PUNTEX). But, on being declared surplus, he was allegedly absorbed in the employment of the Department of Transport,Punjab.

The first prayer made by the petitioner, is for the protection of pay and emoluments drawn by him, at the time when he was declared surplus from the PUNTEX. In this behalf, it is submitted that on his absorption in the employment of the State government, he should have been paid emoluments at the same stage as he was drawing, when he was declared surplus from the employment of the PUNTEX.

The second contention by the learned counsel for the petitioner is that the service rendered by the petitioner with the PUNTEX should be added to the service rendered by the petitioner in the Transport Department,Punjab, for the purposes of determination of his retiral benefits.

On both the issues noticed herein above, the petitioner is alleged to have submitted a representation dated 19.1.2006(Annexure P-20) followed by legal notice dated 11.7.2006 (Annexure P-21).It is however, pointed out that no decision has been taken thereon by the authorities till date.

Learned counsel for the petitioner states that the petitioner will be

satisfied if the instant writ petition is disposed of with a direction to respondent No.4,i.e.,the State Transport Commissioner,Punjab requiring him to take a final decision on the legal notice dated 11.7.2006 (Annexure P-21).

In view of the prayer made by the learned counsel for the petitioner, we are satisfied that it would be appropriate to dispose of the instant writ petition without examining the claim raised by the petitioner on merits, by requiring respondent No.4 i.e.,the State Transport Commissioner,Punjab to take a final decision on the legal notice dated 11.7.2006(Annexure P-21) by passing a well reasoned speaking order within three months from the date of receipt of certified copy of this order. Ordered accordingly.

If the petitioner is found entitled to any monetary benefits, the same shall be calculated and released to the petitioner within a further period of one month. It is however, clarified that the petitioner will be entitled to arrears limited to a period of 3 years and 2 months, from the date of filing of the instant writ petition. It is pertinent to mention that the instant writ petition was filed on 15.11.2006.

Disposed of accordingly.

Copy of the order be supplied dasti on payment of usual charges.

(J.S.KHEHAR)
JUDGE

November 17,2006
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(S.D.ANAND)
JUDGE